

HUMAN SERVICES DEPARTMENT [441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

These amendments require measurement of a child’s mental health functioning level by a licensed practitioner of the healing arts with a standardized instrument before Medicaid remedial services are initiated and every six months thereafter. The remedial services provider would be required to submit the results of the testing as part of the request for prior authorization for continued remedial services.

Federal regulations for rehabilitation services specify that the services must demonstrate the child is making progress for the services to continue. These amendments require the use of standardized measurement tools to make the evaluation of progress more uniform and to make evaluations more effective at identifying the need for changes in strategies or interventions.

These amendments do not provide for waivers in specified situations. The clinician may choose the most appropriate standardized measurement tool, in cooperation with staff of the Iowa Plan for Behavioral Health, but standardized assessment will be required to meet federal requirements for demonstrating progress.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on October 21, 2009, as **ARC 8247B**. Two persons submitted

comments and questions about the proposed rules.

Concerns identified were the choice and cost of assessment instruments, how the instrument would be administered, and how the results of the instrument would be used in the authorization of remedial services. The Iowa Plan for Behavioral Health contractor is offering and prefers the Consumer Health Inventory for Children, a functional measure completed from the child or family's perspective. Administering the instrument is part of the clinician's billable time. The authorization decisions will be made on the comprehensive behavioral health assessment, including the clinician's interview, the results of the instrument and the results of an outcome tool over time.

The Council on Human Services adopted these amendments on January 13, 2010. These amendments are identical to those in the Notice of Intended Action.

These amendments are intended to implement Iowa Code section 249A.4.

These amendments shall become effective on March 22, 2010.

The following amendments are adopted.

ITEM 1. Amend subrule 78.12(3) as follows:

78.12(3) Coverage requirements. Medicaid covers remedial services only when the following conditions are met:

a. and b. No change.

c. For a member under the age of 21, the licensed practitioner of the healing arts:

(1) Has, in cooperation with the managed care contractor, selected a standardized assessment instrument appropriate for baseline measurement of the member's current skill level in managing mental health needs;

(2) Has completed an initial formal assessment of the member using the instrument selected; and

(3) Completes a formal assessment using the same instrument every six months thereafter if continued services are ordered.

e d. The remedial services provider has prepared a written remedial services implementation plan that has been approved by:

- (1) The member or the member's parent or guardian; and
- (2) The medical services unit of the Iowa Medicaid enterprise.

ITEM 2. Amend subrule 78.12(4) as follows:

78.12(4) Approval of plan. The remedial services provider shall submit the treatment plan, the results of the formal assessment, and the remedial services implementation plan to the Iowa Medicaid enterprise (IME) medical services unit for approval before providing the services.

a. No change.

b. Subsequent plans. The IME medical services unit may approve a subsequent remedial services implementation plan according to the conditions in paragraph "a" if the services are recommended by a licensed practitioner of the healing arts who has:

- (1) Reexamined the member;
- (2) Reviewed the original diagnosis and treatment plan; ~~and~~
- (3) Evaluated the member's progress-, including a formal assessment as required by

78.12(3)"c"(3); and

(4) Submitted the results of the formal assessment with the recommendation for continued services.

c. No change.

ITEM 3. Amend rule ~~441--78.12(249A)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 249A.4 and ~~2006 Iowa Acts, House File 2734, section 10, subsection 11.~~